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November 29, 2023

VIA ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
New York, New York 10007

CFTC v. Gemini Trust Co., LLC, Case No. 22-cv-4563 (AKH)

Dear Judge Hellerstein:

I am lead counsel for defendant Gemini Trust Co., LLC (“Gemini”). On November 21, 2023, the Court scheduled oral argument on the CFTC’s Motion for a Protective Order, ECF # 49, and Gemini’s Motion to Compel, ECF #53, for December 4, 2023 at 10:30 AM. ECF #65. I will be on trial in arbitration on that day, and for that reason respectfully request that the Court reschedule this argument for January 4, 2024 at 10:30 AM, which is the parties’ next scheduled appearance before the Court. We have conferred with Plaintiff’s counsel, who have stated that they are available on December 4, but do not object to Defendant’s request. This is the first request to adjourn this hearing.

The only other date currently scheduled after December 4 is December 31, which is the current deadline to complete fact depositions. The parties are conferring regarding the current fact deposition schedule and are in the process of submitting a joint discovery dispute letter addressing completion of fact witness depositions and the duration of the deposition of Cameron Winklevoss, the co-founder and President of the Gemini Exchange. The parties are prepared to discuss at the January 4 hearing a limited extension of the fact witness deadline to address scheduling issues related to the CFTC’s Rule 30(b)(6) deposition notice and any additional fact witness depositions that may be required after the Court rules on the pending discovery motions.

I thank the Court for its consideration.

Respectfully submitted,

/s/ John F. Baughman

cc: Counsel of Record